In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.17485 of 2002.

Date of decision:10.10.2006.

Sukhdev Singh.

...Petitioner.

Versus

Union of India.

...Respondent.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Jagmohan Bansal Advocate for the petitioner.

Mr.Deepak Thapar Advocate for the respondents.

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Judgment.

S. N. Aggarwal, J.

Gurmukh Singh,resident of Chokra Farm, Post Office Tirlokpur, District Lakhirpur Khiri (U.P) was travelling in 3005 UP Howrah-Amritsar Mall Train on 2.12.2002 from Shahjahan Pur to Amritsar against valid second class passenger ticket No.24995. The said train met with an accident with a goods train near village Jeonpura near Sirhind in the State of Punjab. As a result of this accident, Gurmukh Singh died. Sukhdev Singh and other sons and daughters of said Gurmukh Singh filed the claim petition before the Railway Claims

Tribunal, Chandigarh Bench, Chandigarh under Section 16 of the Railway Claims Tribunal Act,1989 read with Section 124 of the Railways Act claiming a sum of Rs. four lacs.

The factual position was not denied by the respondents.

However, the learned Railways Claims Tribunal, Chandigarh Bench, Chandigarh applied the formula laid down in the Motor Vehicles Act and awarded compensation of Rs.2.24 lacs to the petitioner and other legal heirs vide award dated 30.7.2002.

Hence, the present petition.

The submission of learned counsel for the petitioner was that the formula under the Motor Vehicles Act has been wrongly applied by the Railways Claims Tribunal while the said Tribunal was bound to award compensation to the tune of Rs.four lacs. Reliance was placed on the judgment of the Hon'ble Supreme Court reported as **Sabitri Sahoo Versus Union of India,** Civil Appeal No.3753 of 2003 decided on 25.4.2003. Reliance was also placed on the judgment of this Court reported as **Pyare Lal Roy Versus Union of India,** Civil Writ Petition No.3243 of 2002 decided on 19.11.2004 as well as another judgment of this Court reported as **Prem Dass Versus Union of India,** Civil Writ Petition No.7050 of 2002 decided on 19.1.2006.

Learned counsel for the respondents very fairly conceded that this case is governed by the judgments referred to by the learned counsel for the petitioner.

In view of the law laid down by the Hon'ble Supreme Court

in **Sabitri Sahoo's** case (supra) and the judgments of this Court, referred to above, this petition is accepted. All the legal heirs of Gurmukh Singh are held entitled to the compensation of Rs.four lacs which is accordingly granted. The petitioner and other legal heirs of Gurmukh Singh are also awarded interest at the rate of 9% per annum from the date of filing of claim application i.e. 17.7.2001 till the payment is made. However, the amount received by the petitioner shall be reduced out of this amount and the interest amount shall also be modified accordingly.

October 10 ,2006. (S. N. Aggarwal)
Jaggi Judge